

Maryjane Kenney

From: Maryjane Kenney
Sent: Monday, September 25, 2006 4:29 PM
To: John Murray
Subject: Yin Peet

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The following message is from the Town Manager, Don Johnson:

John, the following is what I had wanted to tell the Board tonight about the Quarry Road Easement.

About a year ago, after confirming with her legal advisor(s), Ms Peet approached me and asked that the town consider her right to an Easement By Necessity, over a portion of Town-owned land, in order to access her property on Quarry Rd. I agreed to look into the question.

Our Engineers and counsel researched the question and advised that she was, in fact, entitled to such an easement. The only question was where the easement should be located. I advised Ms Peet of our findings and explained that we would have to negotiate the location, size, etc at a latter date.

Ms Peet went back to her advisors and developed plans based on this information. The resultant plan was for a PCRC development which is now before the planning board for approval. The plan Ms Peet initially presented to the planning board utilized existing cart paths over town land and, while it was logical for Ms Peet and her advisors to assume the existing paths were appropriate for the easement, I felt this approach consumed more town land than necessary and suggested that she reconsider her access road. After several negotiations we have now settled on a size and location that, in my opinion, represents the least intrusion onto town property while providing safe, convenient and suitable access for the Peet property.

While the access easement was the thrust of these negotiations, I wish to point out that I did not miss the opportunity to once again visit the question of water rights for the town to augment Nara Pond. Ms Peet had several concerns in this area but we were ultimately able to overcome them and I am happy to advise the board that this agreement contains such rights, including easement rights for the town to pass and re-pass over certain portions of the Peet property and install and maintain utilities (the water line) in these areas.

The document I am asking the Board to approve tonight contains the conceptual aspects of this agreement. You will note that formal easements will need to be prepared and recorded later. These documents will contain the details.

I believe this agreement achieves the purposes of both parties and I urge the selectmen to approve it in order that it might be incorporated into the planning board's decision tomorrow night.